IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 19124 of 2007(B)

PETITIONER:

A.K.BABU, ACHAKKOTTIL HOUSE,
MEMMADANGU P.O., ARAKKUZHA, MUVATTUPUZHA,
ERNAKULAM, PRESENTLY WORKING AS DRIVER,
P.H.SUB DIVISION, PIRAVAM.

BY ADV. SRI.SUDHEESH.A.
SMT.C.V.BINDU

RESPONDENTS:

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1. THE MANAGING DIRECTOR,
KERALA WATER AUTHORITY, JALABHAVAN,
THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
KERALA WATER AUTHORITY,
CENTRAL REGION, KOCHI-11.

3. SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, P.H.CIRCLE MUVATTUPUZHA.

4. ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY,
P.H.DIVISION, PIRAVOM.

5. K.B.SHAJI,
DRIVER, IPD SUB DIVISION, KOCHI-18.

BY ADV. SRI.J.KRISHNA KUMAR, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF TRANSFER ORDER DTD.30.5.2007.
EXT.P2(a)	TRUE COPY OF REPN.DTD.20.10.2005.
EXT.P2(b)	TRUE COPY FO REPRESENTATION DTD.5.5.2007.
EXT.P3	TRUE COPY OF COMMUNCIATION DTD.9.5.2007.
EXT.P4	TRUE COPY OF TRANSFER ORDER DTD.18.6.2007.
EXT.P5	TRUE COPY OF APPLN. DTD.22.6.2007.

TRUE COPY

P.A.TO JUDGE

K.BALAKRISHNAN NAIR,J

W.P.(C)NO.19124 of 2007

Dated this the 20th day of July, 2007

JUDGMENT

The petitioner, while working as Driver in the Water Authority at Painavu, filed a represention for transfer to Piravom. He was working in Painavu since 2003, it is submitted. His representation was allowed and he was posted to Piravom by Ext.P1 order dated 30.5.2007. But within two weeks, by Ext.P4, the petitioner was transferred to IPD Sub Division, Kochi-18 of the Water Authority and in his place the 5th respondent has been posted. So, this writ petition is filed challenging the said transfer on the ground that it is issued in violation of the transfer norms and also only to help the 5th respondent.

2. The Water Authority has filed a statement in which it is submitted that the second respondent Chief Engineer had a discussion with the petitioner and the 5th respondent and the petitioner agreed to be transferred to Thripunithura so that the 5th respondent could be transferred to Piravom. But without disclosing the said understanding, he moved the third respondent Superintending Engineer and got the posting under Ext.P1. But when this irregularity, committed by the petitioner was noticed, the same was rectified by Ext.P4, it is

submitted.

3. Heard the learned counsel on both sides.

4. The 5th respondent has not appeared or filed any counter affidavit though notice on him has already been served. The Water Authority also does not say what is the special reason for accommodating the 5th respondent at Piravom instead of the petitioner. The petitioner claims preference in the matter of posting on the ground that he is going to retire from service within two years.

5. Having regard to the facts of the case, the second respondent is directed to consider the rival claims of the petitioner and the 5th respondent for a posting at Piravom, in accordance with the transfer norms, within six weeks from the date of production of a copy of this judgment after affording an opportunity of being heard to the petitioner and the 5th respondent. If the petitioner produces a copy of this judgment before the second respondent within two weeks from today, the interim order granted by this Court on 21.6.2007 will remain in force till the second respondent takes a decision in the said representation.

K.BALAKRISHNAN NAIR,
JUDGE

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